

In the United States Court of Federal Claims

No. 21-801

Filed: February 24, 2022

MAXWELL JONES,)
)
)
Plaintiff,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
)

ORDER

On January 25, 2021, plaintiff, proceeding *pro se*, filed a complaint with this Court, alleging that he was wrongfully accused of sexual harassment and discharged from the United States Army. *See generally* Complaint, ECF No. 1. In his complaint, plaintiff requested reinstatement, back pay, and correction of his military records, including removal of a General Officer Memorandum of Reprimand (“GOMOR”). *See id.* at 36. On July 23, 2021, the Army Board for Correction of Military Records (“ABCMR”) granted plaintiff partial relief by removing the GOMOR from his official personnel record. *See generally* Defendant’s Supplemental Administrative Record (ABCMR Record of Proceedings), ECF No. 15. The ABCMR concluded that plaintiff’s petition “demonstrated by a preponderance of evidence that a procedural error occurred that was prejudicial to [plaintiff], and . . . that the contents of the GOMOR are substantially incorrect that would support removal.” *See id.* at 9.

Later, in a revised decision, the ABCMR *vindicated plaintiff* as he “provided evidence that clearly exonerates him or shows that there was a clear injustice.” *See* Plaintiff’s Supplemental Administrative Record (Corrected ABCMR Record of Proceedings) at 8, ECF No. 20. Accordingly, the ABCMR granted full relief, including: (1) removing the GOMOR from plaintiff’s official personnel file; (2) removing plaintiff from the Qualitative Management Program; (3) reinstating plaintiff to Active Guard Reserve status; (4) voiding plaintiff’s date of separation and paying all back pay and allowances; and (5) presenting plaintiff’s military record before a Special Selection Board, if eligible, for promotion consideration. *See* Plaintiff’s Supplemental Administrative Record at 9, ECF No. 20.

On February 22, 2022, defendant filed a motion to dismiss on the basis that “neither party continues to have a legally cognizable interest in the outcome of this litigation, rendering the case moot.” *See* Defendant’s Motion for an Order Dismissing the Case at 3, ECF No. 22. The Court agrees that the ABCMR’s corrected decision has granted all the relief sought in plaintiff’s Complaint, leaving no justiciable issues upon which this Court can render a decision.

For the reasons set forth above, defendant's Motion to Dismiss is hereby **GRANTED**. Accordingly, plaintiff's Complaint is **DISMISSED**, pursuant to Rule 12(b)(1) of the Rules of the Court of Federal Claims. The outstanding motions remaining in this case—defendant's Second Motion for Extension of Time to Respond to the Complaint, ECF No. 10 and plaintiff's Motion for Entry of Default Judgment, ECF No. 12—are **DENIED AS MOOT**. The Clerk of Court is directed to take the necessary steps to dismiss this matter.

IT IS SO ORDERED.

s/ Loren A. Smith

Loren A. Smith,
Senior Judge